

RM 8577

OFFICE OF COMMISSIONER RACHELLE B. CHONG
Federal Communications Commission
1919 M Street, N.W., Room 844
Washington, D.C. 20554
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April 18, 1995

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY
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Mr. David Rickerd
City Administrator
City of Chowchilla
145 West Robertson Boulevard
Chowchilla, California 93610

Re: Cellular Telecommunications Industry Association's Petition to
Preempt State and Local Zoning Regulations

Dear Mr. Rickerd:

Thank you very much for your letter about the petition filed by the Cellular Telecommunications Industry Association (CTIA). This petition asks the Commission to begin a rule making proceeding to preempt state and local regulation of tower siting for commercial mobile radio service providers, such as cellular and personal communications service (PCS) companies. I am very interested in this issue, and welcomed the opportunity to hear your thoughts on it.

I certainly understand your concerns about the CTIA petition and its impact on the role of local jurisdictions in the cell siting process. Traditionally, cell siting issues are handled at the local level. By and large, this situation has been appropriate, given that zoning and land use issues involve uniquely local concerns, such as aesthetics and compliance with local building codes or other health and safety codes. I believe local authorities should continue to play a key role in these decisions.

However, as the demand for sites for wireless carriers continues to mushroom, I am also concerned about the ability of wireless providers to build out their networks without undue delay. There are many benefits to having national or regional wireless communications systems -- emergency communication abilities are enhanced, and people use wireless communications to become more efficient and productive. Further, new PCS licensees are paying the U.S. treasury billions of dollars for their licenses, which are regional and national in nature. I think it's fair for the federal government to ensure that these licensees are able to build their facilities throughout their service areas in a timely fashion. Moreover, some carriers complain that some localities may like to put a moratorium on all wireless cell sites in

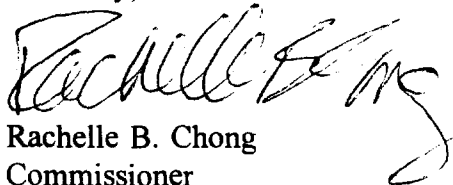
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certain geographic areas. For this reason, I believe the Commission also has an important role to play in this area to ensure ubiquitous and broad coverage without undue delay.

Having said that, I have not yet made any decisions about the CTIA petition. I believe that the Commission must balance the federal interest in ensuring the development of a competitive, efficient mobile services infrastructure against the legitimate interests of local governments in regulating zoning and land use matters. I am open to considering all options available to the Commission to strike the appropriate balance, and hope that you will work with us to find an acceptable solution for both our concerns.

I appreciate your taking the time to share your concerns with me. I will certainly keep them in mind as we consider the CTIA petition.

Sincerely,



Rachelle B. Chong
Commissioner



"Team Chowchilla"

145 West Robertson Boulevard
Chowchilla, California 93610
(209) 665-8615 • FAX (209) 665-7418

April 4, 1995

Federal Communication Commission
attn: Commissioner Rachelle Chong
1919 M Street, N.W.
Washington, DC 20036

Dear Commissioner Chong:

In review of the proposed Amendment of the Commission's Rules to Preempt State and Local Commercial Mobile Services Provides (RM-8577), the City of Chowchilla would like to state the following Comments.

The petition currently before the FCC to preempt the CPUC and local government review and permit issuance functions will reduce a communities ability to plan and provide for areas of transmitters and wireless service facilities.

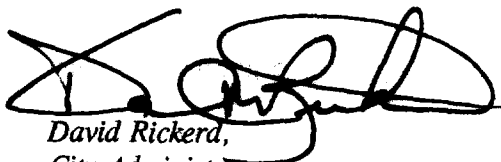
Under the current CPUC rules and guidelines, issuance authority for the construction of cellular utilities and facilities are given only after ensuring that cellular provider has first obtained the necessary local permits or approvals.

In the City's opinion, this system provides for local review to ensure that the construction of cellular utilities/facilities are in accordance with land use planning and will not create a land use conflict (either existing or future) to surrounding property.

The City of Chowchilla is highly opposed to the proposed the preempting of state and local governments from the enforcement of adopted zoning and land use regulation for the construction of cellular utilities/facilities.

If you should have any questions regarding the City of Chowchilla position on this matter, please do not hesitate to contact me at Chowchilla City Hall (209-665-8615).

Sincerely,



David Rickard,
City Administrator

cc: Administrative File
Her Honor the Mayor and Members of the City Council